IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5088 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

J K JOSHI

Versus

RAJKISHORE

Appearance:

1. Special Civil Application No. 5088 of 1990
   MR PM RAVAL for Petitioner No. 1
   NOTICE SERVED for Respondent No. 1
   Ms. Manisha Lavkumar AGP for Respondent No. 2

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 25/04/2003

ORAL JUDGEMENT

In this petition, the petitioner has sought for the direction and order permanently restraining the respondents from reverting the petitioner before the petitioner's juniors are reverted. While admitting the petition, this Court has passed the order restraining the

respondents from reverting the petitioner to the lower post. Ms. Manisha Lavkumar, learned AGP appearing for the respondents submits that till this date the petitioner is not reverted. This petition is of 1990. More than 13 years have gone and it is an admitted position that the petitioner is not reverted. Since the petition was filed merely on an apprehension and that apprehension because of the interim protection granted by this Court does not exist. There is, therefore, no use of keeping this matter pending. The petition is, therefore, disposed of with an observation that if the respondent authorities want to revert the petitioner, a notice may be issued to the petitioner calling for his explanation against such reversion and after considering such explanation, the necessary order may be passed by the authorities, if deemed fit. If the petitioner is aggrieved by such order, it is open for the petitioner to challenge the same before this Court.

2. In this view of the matter, the petition is disposed of. Rule is discharged with no order as to costs.

rmr. [K.A. Puj, J.]